

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Special Permit #1887
West Point Business Park

DATE: April 4, 2001

PROPOSAL: Brian D. Carstens has requested a special permit for Planned Service Commercial with 230,000 square feet of commercial uses. The following waivers are requested: public sidewalks on the north side of West "O" St. and the east side of NW 40th St.; front yard setback reduction from 50' to 17.5' on internal roadways; front yard setback along I-80 from 50' to 25'; and side yard setback from 20' to 10'.

GENERAL INFORMATION:

APPLICANT: West Point, L.L.C.
Boyd Batterman
3730 S. 14th Street
Lincoln, NE 68502

CONTACT: Brian D. Carstens
601 Old Cheney Road, Suite C
Lincoln, NE 68516
(402) 434-2424

LOCATION: The northeast corner of NW 40th St. and West "O" St.

LEGAL DESCRIPTION: Lot 77 I.T. in the SW1/4 of Section 20, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska

SIZE: 21.17 acres, more or less

EXISTING ZONING: H-4 Highway Commercial

EXISTING LAND USE: Vacant land

SURROUNDING LAND USE AND ZONING: The north boundary of the property abuts Interstate 80, with AG Agriculture fields north of the interstate; commercial use zoned H-3 Highway Commercial lies to the east; H-3 Highway Commercial agricultural fields are to the south of West O St.; I-1 Industrial zoned industrial use to the southwest, and H-4 General Commercial zoned single family use is to the west.

COMPREHENSIVE PLAN SPECIFICATIONS: The property is shown as Commercial in the 1994 Comprehensive Plan. The Plan articulates three goals for General Commercial Areas:

- Improve the West “O” area
- Discourage strip development and spot zoning and encourage higher quality retail and commercial development
- Discourage strip development and encourage more compact and higher quality development

HISTORY:

The property was converted from A-A Rural and Public Use to H-4 General Commercial in the **1979 Zoning Update**.

On **January 10, 2001**, Planning Commission recommended approval of Special Permit #1887 for Planned Service Commercial on this property.

SPECIFIC INFORMATION:

UTILITIES: The Public Works and Utilities Department has not yet responded.

TOPOGRAPHY: The property generally slopes from its highest point in the north to a low point in the drainage ditch along West “O” St.

TRAFFIC ANALYSIS: West “O” St. is classified as an Urban Principal Arterial Street on both the Existing and Future Functional Street and Road Classification maps. Neither NW 40th St. nor SW 40th St. are classified on the Existing map, however SW 40th St. is classified as an Urban Collector in the Future map. This proposal restricts access to “O” St. thus reducing the amount of traffic turning conflicts along “O” St.

PUBLIC SERVICE: The nearest fire stations are Station 13 at Coddington Blvd and West A St. and Station 3 at Sun Valley Blvd. and West “O” St.

REGIONAL ISSUES: None apparent.

ENVIRONMENTAL CONCERNS: The Lincoln-Lancaster County Health Department reports: “Steps must be taken to prevent erosion of soil either by wind or water while this site is being constructed. The Lower Platte South Natural Resources District should be contacted for assistance in this matter.”

AESTHETIC CONSIDERATIONS: I-80 entryway corridor and the improvement of the West “O” St. area. The Planned Service Commercial special permit requires more landscaping than the standard H-4 General Commercial district.

ALTERNATIVE USES: Those allowed by right in the H-4 General Commercial district

ANALYSIS:

1. This proposal is before Planning Commission again for two reasons:
 - The original site plans showed a 10' side yard setback between interior lots. No waiver was requested and the waiver was not included in the legal notice.
 - Revisions to the detention cell required significant alterations to the street layout.
2. This permit is to allow 230,000 square feet of Planned Service Commercial. The Planned Service Commercial special permit encourages higher quality development.
3. The Comprehensive Plan states: "Commercial areas in the developing area of the city are anticipated to have, on average, a floor to area ratio (FAR) of 0.25." The proposed uses have an FAR of 0.249.
4. The proposed street trees would improve the West "O" area.
5. The proposed development consolidates access points along West "O" and reduces turning conflicts.
6. The West "O" corridor primarily serves vehicular traffic and no sidewalk exists along West "O" for a considerable distance. The request to waive sidewalks on West "O" St. and NW 40th St. is appropriate at this time.
7. The request to reduce interior side yard setbacks is appropriate. The previous plans showed 10' setbacks and were approved by both staff and Planning Commission, and the reduction has no apparent impact on surrounding properties. Furthermore, 30' storm sewer easements exist between Lots 3 and 4, Lots 2 and 3, and Lots 2 and 6.
8. The special permit for Planned Service Commercial (L.M.C. 27.63.470(c)) requires "a landscape plan which shall show proposed plantings in conformance with city standards in all required yard areas, open space areas, malls, parking areas, and around proposed buildings. The applicable standards shall be those adopted by resolution of the City Council for those districts requiring use permits." The applicant notes that landscaping for each specific lot shall be reviewed at the time of building permit. This is acceptable.
9. The applicant has added notes limiting the number and type of signs within the development. Each lot will be limited to one pole sign or one ground sign, and pole

signs will not exceed 100 square feet in area and shall not be taller than 50 feet. Off premise signs are prohibited. These actions reduce the number and size of signs that could otherwise be allowed along the I-80 entryway corridor.

10. The property line abutting Interstate 80 is considered to be front yard. The applicant has requested that the front yard along the Interstate be adjusted from 50' to 25', citing the screening provided by the required street trees. If additional landscaping were provided, such a waiver would be acceptable.

STAFF CONCLUSION: The proposed development is in conformance with the Comprehensive Plan and is acceptable.

STAFF RECOMMENDATION:

Conditional approval

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Revise the site plan to show:
 - 1.1.1 Add the word "utility" to the public access easements and provide utility easements as requested by L.E.S.
 - 1.1.2 To Note 7, add: "Any relocation of existing utility facilities shall be at the owner/developer's expense."
 - 1.1.3 In Note 10, change the final sentence to read "from lots 4 and 5".
 - 1.1.4 In Note 5, change "is done" to "commences".
 - 1.1.5 Revise Note 1 to begin, "An individual landscape plan for each specific"
 - 1.1.6 Increase the public access easement width to accommodate sidewalks and label it on the site plan. Label the public access easement in Lots 2, 3, and 6, where it widens as a result of the cul de sac.

- 1.1.7 Delete the Planning Commission Approval block from the site plan.
 - 1.1.8 Show and dimension existing right-of-way on both sides of NW 40th Street.
 - 1.1.9 Add street trees along the north property line, abutting Interstate 80. Also add one coniferous tree per street tree along Interstate 80.
 - 1.1.10 Note on the landscape plan that street trees along West "O" St., Interstate 80, and NW 40th St. shall be planted on private property.
 - 1.1.11 Note on the landscape plan that street trees shall be no closer than 5 feet from the sidewalk. Some scale closer than 5 feet on the drawing.
 - 1.1.12 The Surveyor's Certificate must be signed.
 - 1.1.13 Revise Note 19 to begin, "A waiver of front yard setbacks shall be 17.5 feet from 50 feet along West Cavalry Court, measured from the curb line".
 - 1.1.14 In the SE corner of Lot 1, measure the required front yard from the NW corner of the West "O" St. right-of-way.
 - 1.1.15 Add a note to the site plan stating, "An administrative final plat shall be filed pursuant to section 26.31.015 L.M.C. in accordance with this special permit."
2. This approval permits a Planned Service Commercial area with 230,000 square feet of commercial uses and the following waivers:
- 2.1 Sidewalks on West "O" St. and NW 40th St
 - 2.2 Front yard setbacks from 50 feet to 17.5 feet measured from the curb line on W. Cavalry Court; a front yard setback along the east side of N.W. 40th Street, on Lot 4 from 50 feet to 33 feet; and a front yard setback from 50 feet to 25 feet along Interstate 80.
 - 2.3 Side yard setbacks between interior lots from 20 feet to 10 feet.

General:

3. Before receiving building permits:

3.1 The construction plans shall comply with the approved plans.

3.2 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:

4.1 Before occupying the buildings all development and construction shall have been completed in compliance with the approved plans.

4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established property owners association approved by the City Attorney.

4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

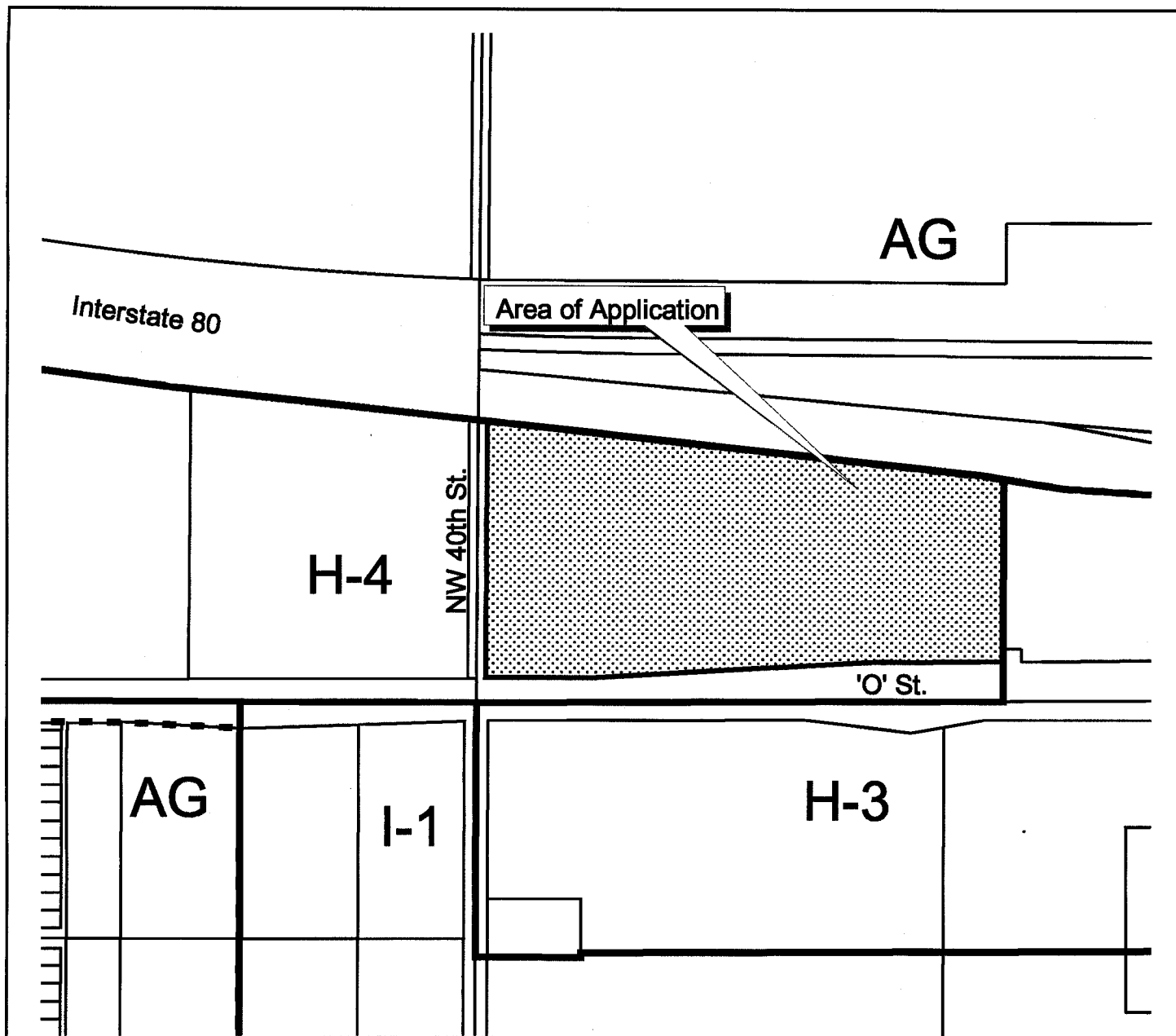
4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

4.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

Jason Reynolds
Planner

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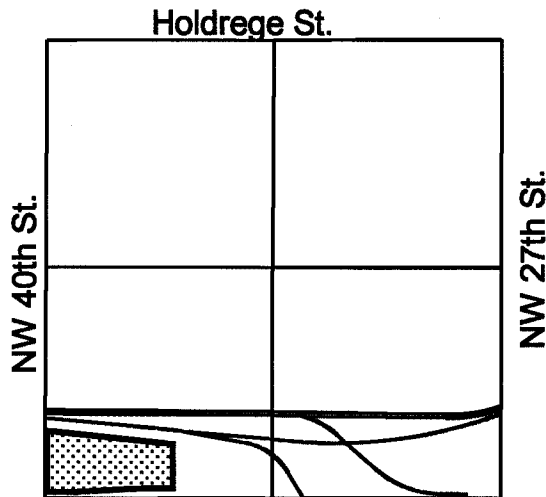
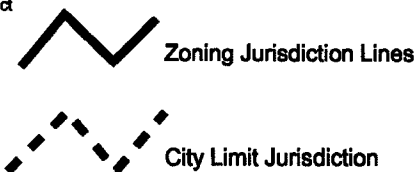


Special Permit #1887
SW 40th & West 'O' St
West Point Business Park

Zoning:

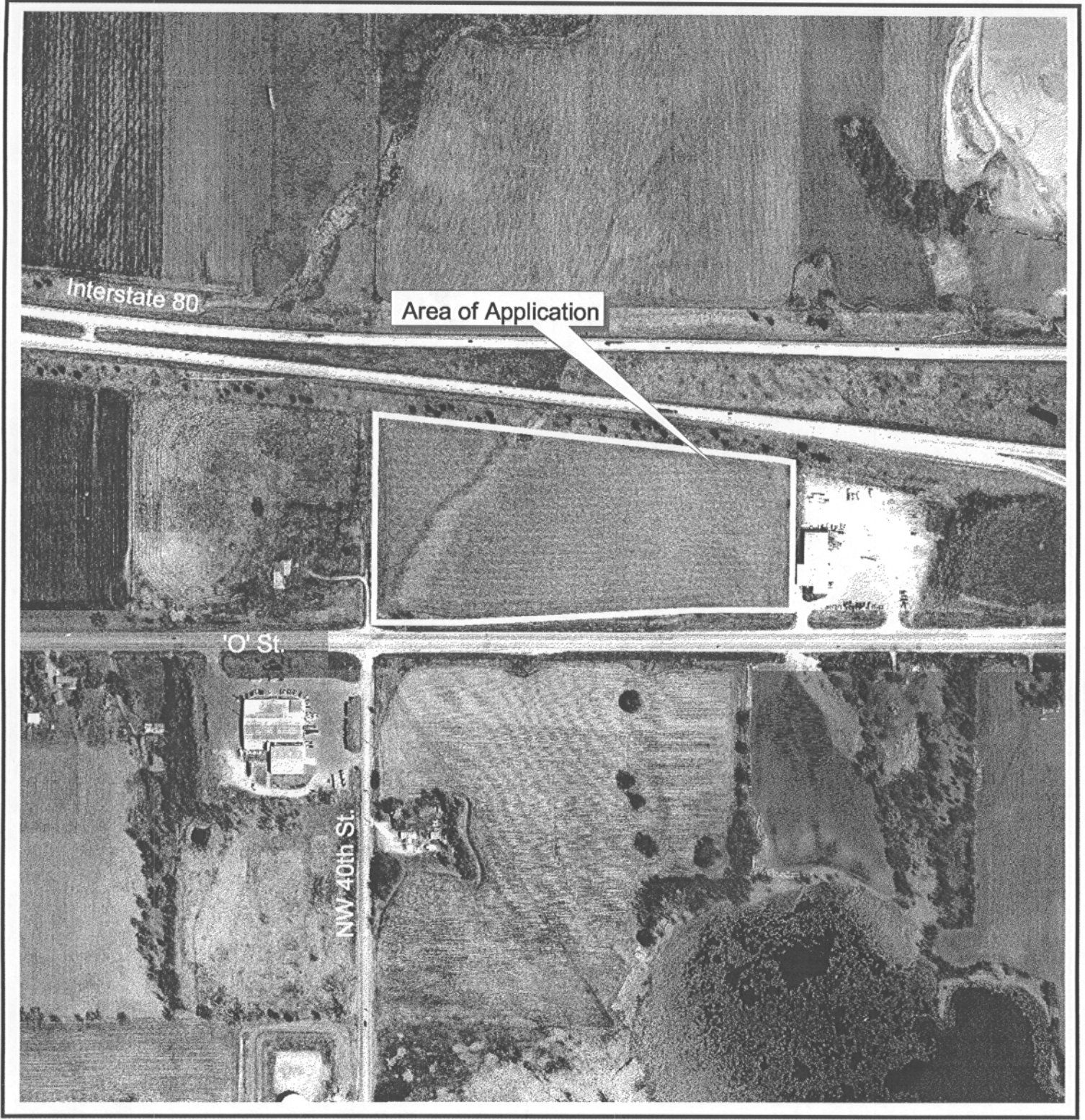
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|------------|--|
| R-1 to R-8 | Residential District |
| AG | Agricultural District |
| AGR | Agricultural Residential District |
| R-C | Residential Conservation District |
| O-1 | Office District |
| O-2 | Suburban Office District |
| O-3 | Office Park District |
| R-T | Residential Transition District |
| B-1 | Local Business District |
| B-2 | Planned Neighborhood Business District |
| B-3 | Commercial District |
| B-4 | Lincoln Center Business District |
| B-5 | Planned Regional Business District |
| H-1 | Interstate Commercial District |
| H-2 | Highway Business District |
| H-3 | Highway Commercial District |
| H-4 | General Commercial District |
| I-1 | Industrial District |
| I-2 | Industrial Park District |
| I-3 | Employment Center District |
| P | Public Use District |

One Square Mile
 Sec. 20 T10N R6E



'O' St.
 Sheet 1 of 4
 Date: 4/5/01

Lincoln City - Lancaster County Planning Dept.



Special Permit #1887
SW 40th & West 'O' St
West Point Business Park



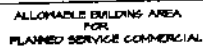
Sheet 2 of 4

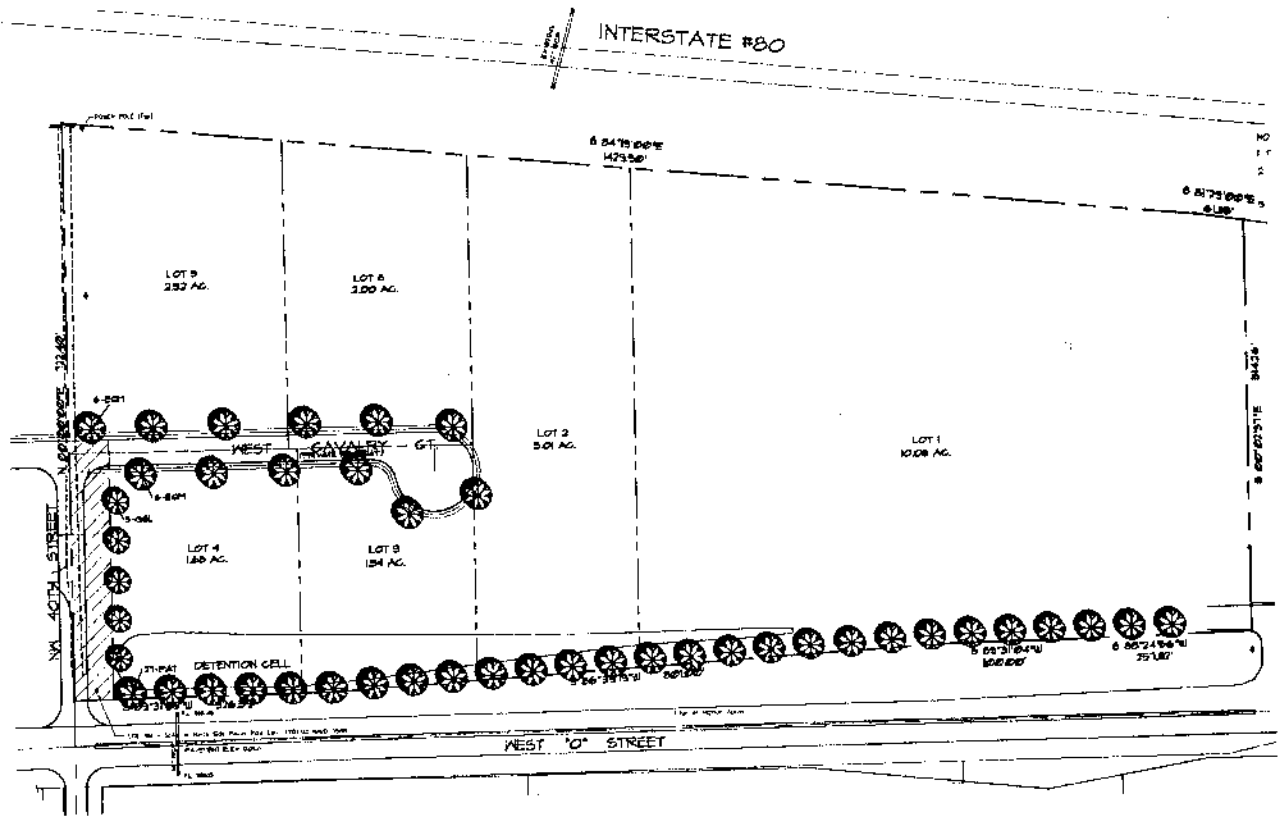
Date: 4/5/01

Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.

SECRET





61.35'

DATE

KERRY W. SIMONDS L.S. #333

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GENERAL NOTES

1. INDIVIDUAL LANDSCAPE PLAN FOR SPECIFIC LOT SHALL BE SUBMITTED AND APPROVED AT TIME OF BUILDING PERMIT.
2. THIS SPECIAL PERMIT SHALL ALLOW 230,000 SQUARE FEET OF COMMERCIAL USES AS PERMITTED BY 27.63.470 OF THE LMC - PERMITTED SPECIAL USE: PLANNED SERVICE COMMERCIAL.
3. SANITARY SEWER AND WATER LINES TO BE 8" PIPE AND 8" D.I. PIPE RESPECTIVELY UNLESS OTHERWISE SHOWN AND TO BE BUILT TO THE CITY OF LINCOLN SPECIFICATIONS.
4. ORNAMENTAL LIGHTING SHALL BE IN ACCORDANCE WITH L.E.S. REQUIREMENTS.
5. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS DONE.
6. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
7. UTILITY EASEMENTS TO BE PROVIDED AS REQUIRED BY L.E.S..
8. CONTOURS ARE USGS NAVD 88.
9. SINCE THIS IS AN INDUSTRIAL AREA A WAIVER OF THE SIDEWALK REQUIREMENTS IS HEREBY REQUESTED ALONG THE NORTH SIDE OF WEST 'O' STREET AND THE EAST SIDE OF N.W. 40TH STREET.
10. DIRECT VEHICULAR ACCESS TO WEST 'O' STREET FROM LOTS 2, 3 & 4 ARE HEREBY RELINQUISHED. LOT 1 SHALL HAVE ACCESS TO WEST 'O' STREET AT EXISTING STUB. DIRECT ACCESS TO N.W. 40TH IS HEREBY RELINQUISHED TO LOTS 4 AND 5.
11. THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING ENVELOPE SHOWN ON THIS PLAN.
12. BUILDING HEIGHT SHALL NOT EXCEED 35 FEET.
13. THE OWNER/ DEVELOPER SHALL COMPLY TO THE ENVIRONMENTAL PERFORMANCE STANDARDS RELATING TO NOISE, EMISSION, DUST, ODOR, GLARE AND HEAT, AS ADOPTED BY THE CITY OF LINCOLN.
14. COMMON AND PUBLIC ACCESS EASEMENTS ARE HEREBY GRANTED OVER ALL PRIVATE ROADWAYS.
15. PRIVATE ROADWAYS SHALL BE SURFACED WITH 6 INCHES OF PORTLAND CEMENT OR 5 INCHES OF PORTLAND CEMENT BASE AND 2 1/2 INCHES OF ASPHALTIC CONCRETE SURFACE OR 6 INCHES OF ASPHALTIC CONCRETE. ALL PRIVATE ROADWAYS SHALL HAVE A 3 INCH CROWN AND A 6 INCH RAISED CURB.
16. ALL PARKING AREAS SHALL BE SURFACED WITH A MINIMUM OF 5 INCHES OF CLASS 'A' PORTLAND CEMENT OR 6 INCHES OF ASPHALTIC CONCRETE. A 6 INCH RAISED CURB BARRIER SHALL BE PROVIDED AT THE PERIMETER.
17. THIS SPECIAL PERMIT CONTAINS 6 BUILDABLE COMMERCIAL LOTS.
18. OFF PREMISE SIGNS ARE PROHIBITED. A MAXIMUM OF ONE GROUND SIGN OR POLE SIGN PER LOT. WALL SIGNS SHALL BE PERMITTED BY CHAPTER 27.64.047. POLE SIGNS SHALL NOT EXCEED 100 SQUARE FEET IN AREA, AND SHALL NOT EXCEED 30 FEET IN HEIGHT.
19. A WAIVER OF FRONT YARD SETBACKS SHALL BE 17.5 FEET FROM 50 FEET ALONG THE PUBLIC ACCESS EASEMENT ALONG THE PRIVATE ROADWAYS AND A FRONT YARD SETBACK ALONG THE EAST SIDE OF N.W. 40TH STREET ON LOT 4 FROM 50 FEET TO 33 FEET.

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BACK

ACCESS

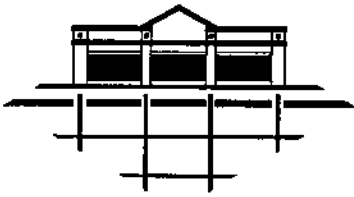
DEVELOPER:

WEST POINT LLC

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SI

W



BRIAN D. CARSTENS AND ASSOCIATES

LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN

601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

April 9, 2001

Ms. Kathleen A. Sellman, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: SPECIAL PERMIT #1887- WEST POINT BUSINESS PARK
NORTHWEST 40TH AND WEST 'O' STREET

Dear Kathleen,

On behalf of West Point, L.L.C., we are requesting a few additional waivers to our previous submittal as per my discussion with Jason Reynolds.

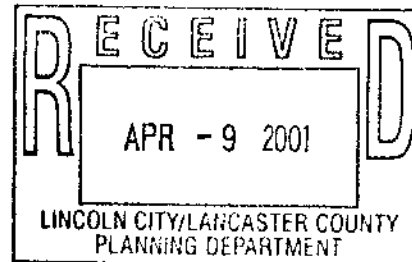
As was previously shown and approved by the Planning Commission on the original submittal, we are requesting that the Front yard setback along Interstate 80 be reduced from 50 feet to 25 feet. We are also requesting that the sidewalks along Interstate 80 be waived. However we do agree to install the street trees as additional screening along Interstate 80.

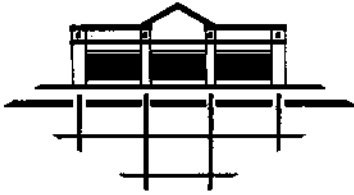
Please contact me if you have any further questions.

Sincerely,

Brian D. Carstens

cc: Boyd Batterman
Don Linscott





BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

March 22, 2001

Ms. Kathleen A. Sellman, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: SPECIAL PERMIT #1887- WEST POINT BUSINESS PARK-
NORTHWEST 40TH AND WEST 'O' STREET

Dear Kathleen,

On behalf of West Point, L.L.C., we are submitting a revised Special Permit for your review. This project is being resubmitted to the Planning Commission due to some changes that have been made to the private roadway configuration, based on a larger detention cell being required. It is my understanding that Planning Staff felt that the project had changed enough, they requested that we resubmit the project to the Planning Commission prior to sending to the Lincoln City Council.

We are requesting the same waivers as previously requested and approved by the Planning Commission, with one addition. We request that the internal side yard setbacks be reduced from 20 feet to 10 feet. It was previously shown on the original submittal, however, we did not specifically request the waiver.

We also note that the previous agreements regarding signage have been included in the general notes. Another important change is the increased front yard setback along Interstate 80. It has been determined by the City Law Department that we need to treat Interstate right of way as a front yard, not as a side yard as previously been determined. Therefore, our Special Permit plans now show a 50 foot front yard setback along Interstate 80, instead of the 20 foot setback that had previously been approved.

Please contact me if you have any further questions.

Sincerely,


Brian D. Carstens

cc: Boyd Batterman
Don Linscott

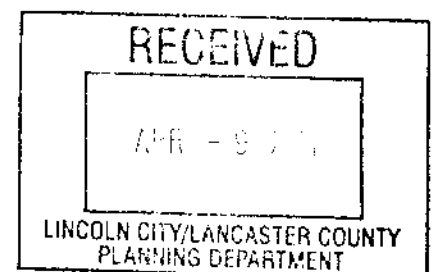
ENCLOSURES: 20 copies of Sheet 1 of 5
6 copies of Sheets 2 through 5 of 5
8-1/2" x 11" Reductions of the Site Plan

M e m o r a n d u m

[REDACTED]

To: Jason Reynolds, Planning Department
From:  Dennis Bartels, Public Works & Utilities
Subject: West Pointe Business Park Special Permit #1887
Date: April 5, 2001
cc: Roger Figard, Nicole Fleck-Tooze

The resubmitted plans for West Pointe Business Park are satisfactory to Public Works. Public Works has no objections to the requested revisions to the internal side yards from 20 feet to 10 feet.



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Jason Reynolds

DATE: 3/30/2001

DEPARTMENT: Planning

FROM: Chris Schroeder
Jerry Hood

ATTENTION:

DEPARTMENT: Health

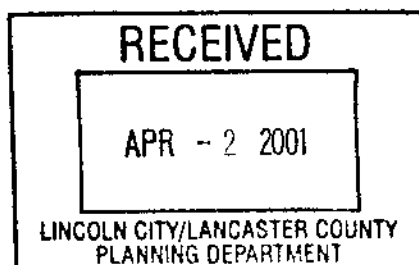
CARBONS TO: Leon F. Vinci, MPH
EH File
EH Administration

SUBJECT: West Point Business Park
SP #1887 revised

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the plot plans for the West Point Business Park for potential negative public health impacts with the following noted.

- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of vegetable ground cover will also be incorporated as necessary.
- Water supply will be the City of Lincoln municipal water supply.
- Sewage disposal will be the City of Lincoln municipal sewage collection system.
- Steps must be taken to prevent erosion of soil either by wind or water while this site is being constructed. The Lower Platte South Natural Resources District should be contacted for assistance in this matter.

If you have any questions, please contact me at 441-6272.



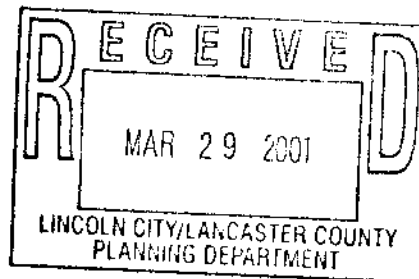
Memorandum

To: Jason Reynolds, Planning
From: Rachel Martin, Parks and Recreation
Date: March 29, 2001
Re: West point Business Park

Parks and Recreation Department staff have reviewed the above-referenced proposal and have the following comments:

- 1) It needs to be noted on the landscape plan that all trees are to be planted on private property.
- 2) Traffic Engineering (Scott Opfer, 441-7711) needs to review landscape plan to determine if there is adequate sight distance for cars turning off N.W. 40th onto West 'O' Street.
- 3) Trees should be planted no closer than 5 feet from sidewalk.

Please phone me at 441-7936 with any questions.



City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # **DRF01046**

Address

Job Description: West Point Business Park

Location: West Piont Business Park

Special Permit: Y 1887

Preliminary Plat: N

Use Permit: N

CUP/PUD: N

Requested By: JASON REYNOLDS

Status of Review: Approved

Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

BOB FIEDLER

Comments:

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards

